

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**JAMEEL SHABAZZ and ALFRED  
TORRES, Individually, and on Behalf of  
All Others Similarly Situated,**

**Plaintiffs,**

**v.**

**MORGAN FUNDING CORP., DANIEL  
MACKLE, DANIEL LOUIS and  
FRANK CARDIA,**

**Defendants.**

**Case No. 07 CV 126 (VM)**

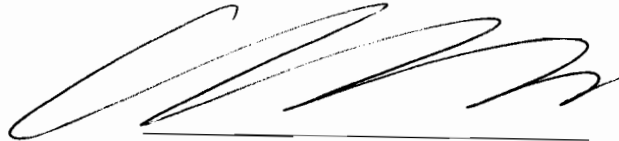
**ECF CASE**

**ORDER**

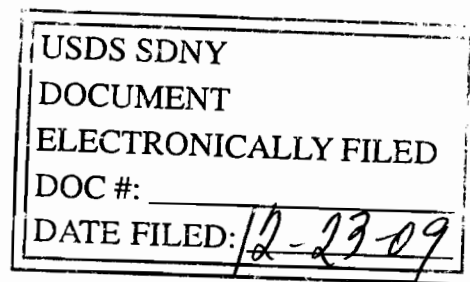
The Clerk of the Court is directed to substitute the attached document for Docket  
No. 94-15 in this action.

Dated: 22<sup>nd</sup> day of December, 2009

BY THE COURT:



Victor Marrero U.S.D.J.



# **EXHIBIT M**

Page 1

Page 3

1  
 2 UNITED STATES DISTRICT COURT  
 3 SOUTHERN DISTRICT OF NEW YORK  
 4 Case No. 07 CV 126 (GEL) ECF Case  
 5 -----X  
 6 JAMEEL SHABAZZ and ALFRED TORRES,  
 Individually, and on Behalf of All Others  
 7 Similarly Situated,  
 8 Plaintiffs,  
 9 -against-  
 10 MORGAN FUNDING CORP., DANIEL MACKLE,  
 DANIEL LOUIS and FRANK CARDIA,  
 11 Defendants.

12 -----X  
 13  
 14 500 Fifth Avenue  
 New York, New York  
 15 August 13, 2009  
 11:16 a.m.

16  
 17  
 18 DEPOSITION of DANIEL MACKLE, one  
 19 of the Defendants in the above-entitled  
 20 action, held at the above time and place,  
 21 taken before Barbara P. Goldsmith, a  
 22 Shorthand Reporter and Notary Public of  
 23 the State of New York, pursuant to the  
 24 Federal Rules of Civil Procedure, and  
 25 stipulations between Counsel.

Page 2

Page 4

1  
 2 APPEARANCES:  
 3  
 4 ERIK H. LANGELAND, P.C.  
 Attorney for Plaintiffs  
 5 500 Fifth Avenue  
 Suite 1610  
 New York, New York 10110  
 6  
 7  
 8 LAWRENCE R. GELBER, ESQ.  
 Attorney for Defendants  
 The Vanderbilt Plaza  
 9 34 Plaza Street  
 Suite 1107  
 10 Brooklyn, New York 11238  
 11  
 12 Present:  
 13 ADAM LEE, Videographer  
 14 TALIA HARARI  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1  
 2 STIPULATIONS  
 3 IT IS HEREBY STIPULATED AND AGREED, by  
 4 and among counsel for the respective  
 5 parties hereto, that the filing, sealing  
 6 and certification of the within deposition  
 7 shall be and the same are hereby waived;  
 8 IT IS FURTHER STIPULATED AND AGREED  
 9 that all objections, except as to form of  
 10 the question, shall be reserved to the  
 11 time of the trial;  
 12 IT IS FURTHER STIPULATED AND AGREED  
 13 that the within deposition may be signed  
 14 before any Notary Public with the same  
 15 force and effect as if signed and sworn to  
 16 before the Court.  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1  
 2 THE VIDEOGRAPHER: Good morning.  
 3 My name is Adam Lee of Veritext New  
 4 York. The date today is August 13,  
 5 2009 and the time is approximately  
 6 11:16 a.m. This deposition is being  
 7 held in the office of Erik H.  
 8 Langeland, P.C., located at 500 Fifth  
 9 Avenue, Suite 1610, New York, New York  
 10 10110.

11 The caption of this case is  
 12 Jameel Shabazz versus Morgan Funding  
 13 Corp., et al in the United States  
 14 District Court for the Southern  
 15 District of New York, Case No. 07 CV  
 16 126 (GEL). The name of the witness is  
 17 Daniel Mackle.

18 At this time the attorneys will  
 19 identify themselves and the parties  
 20 they represent, after which our court  
 21 reporter, Barbara Goldsmith, of  
 22 Veritext will swear in the witness and  
 23 we can proceed.

24 MR. LANGELAND: Erik Langeland  
 25 for the plaintiffs. Along with me is

Page 5

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1 DANIEL MACKLE  
 2 Talia Harari.  
 3 MR. GELBER: Lawrence Gelber for  
 4 defendants.  
 5 We have an objection to the  
 6 videotaping of this deposition and I  
 7 would like an opportunity to voir dire  
 8 the witness before we proceed.  
 9 MR. LANGE LAND: Okay.  
 10 DANIEL MACKLE,  
 11 having been first duly sworn by a  
 12 Notary Public of the State of New  
 13 York, upon being examined, testified  
 14 as follows:  
 15 VOIR DIRE EXAMINATION  
 16 BY MR. GELBER:  
 17 Q. Mr. Mackle, are you suffering  
 18 from -- to the best of your knowledge, are  
 19 you suffering from any type of fatal  
 20 disease?  
 21 A. No.  
 22 Q. Are you planning to leave the  
 23 country, to move out of the country within  
 24 the next 12 months?  
 25 A. No.

1 DANIEL MACKLE  
 2 A. A couple of months ago.  
 3 Q. In what case?  
 4 A. I have some cases but -- against  
 5 Morgan Funding.  
 6 Q. Okay. And are these cases based  
 7 on the Truth and Lending Act?  
 8 A. Yes.  
 9 Q. Okay. Are they all -- is it all  
 10 one case or are there multiple cases?  
 11 A. Multiple cases.  
 12 Q. Okay. Is it the same law firm  
 13 that's bringing the cases against?  
 14 A. Yes.  
 15 Q. And are you being sued  
 16 individually?  
 17 A. Yes.  
 18 Q. And you're being sued as Morgan  
 19 Funding as well?  
 20 A. Yes.  
 21 Q. Is Mr. Cardia being sued, to  
 22 your knowledge, in any of those cases?  
 23 A. No.  
 24 Q. And is Mr. Louis being sued in  
 25 any of those cases?

Page 6

Page 8

1 DANIEL MACKLE  
 2 Q. Is there any event that you are  
 3 aware of, either by virtue of health,  
 4 intention to relocate, or any other event  
 5 that you can think of that would prevent  
 6 you from appearing at trial as a witness  
 7 in this case?  
 8 A. No.  
 9 MR. GELBER: We maintain our  
 10 objection to the videotaping. It's  
 11 unnecessary. It's designed probably  
 12 to run up your expenses and certainly  
 13 to intimidate, but we will proceed.  
 14 MR. LANGE LAND: The deposition  
 15 was by notice and it noticed that we  
 16 can take a videotape and we're  
 17 proceeding under the rules.  
 18 EXAMINATION BY  
 19 MR. LANGE LAND:  
 20 Q. Good morning, Mr. Mackle.  
 21 A. Good morning.  
 22 Q. Have you ever been deposed  
 23 before?  
 24 A. Yes.  
 25 Q. When?

1 DANIEL MACKLE  
 2 A. Yes.  
 3 Q. And is Mr. Colletta being sued  
 4 in any of those cases?  
 5 A. No.  
 6 Q. Is anybody else being sued who  
 7 is an owner of Morgan Funding?  
 8 A. No.  
 9 Q. Okay. And the deposition that  
 10 you've had -- I'm sorry -- was it just one  
 11 deposition?  
 12 A. Yes.  
 13 Q. And when did you say it was?  
 14 A. A couple of months ago.  
 15 Q. Where did it take place?  
 16 A. Somewhere South Jersey.  
 17 Q. Do you know what the case  
 18 caption is or what the case is against  
 19 you, who the plaintiff is?  
 20 A. There's eight separate cases. I  
 21 don't, off the top of my head, no, I  
 22 don't.  
 23 Q. Eight separate cases. Okay.  
 24 And was the deposition for the purpose of  
 25 responding to each of the eight cases or

Page 9

1 DANIEL MACKLE  
 2 will there be eight depositions; do you  
 3 know?  
 4 A. No, I believe that was the only  
 5 one.  
 6 Q. Okay. What is your  
 7 understanding of your oath?  
 8 A. I don't understand the question.  
 9 Q. Okay. You gave an oath just now  
 10 to the court reporter, didn't you?  
 11 A. Yes.  
 12 Q. Okay. What's your understanding  
 13 of what that means?  
 14 MR. GELBER: We're going to just  
 15 object to the question. You can  
 16 answer.  
 17 A. To tell the truth.  
 18 Q. Okay. And if I ask you a  
 19 question and you don't understand, will  
 20 you ask me to rephrase it and I'll do  
 21 that?  
 22 A. Yes.  
 23 Q. Okay. If I'm asking you a  
 24 question, will you just let me finish the  
 25 question and then you can answer it?

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1 DANIEL MACKLE  
 2 A. Sure.  
 3 Q. Great. And you have to give  
 4 your answers in words, not, you know, nods  
 5 of your head or uh-huhs so the court  
 6 reporter can take it down. Can you do  
 7 that?  
 8 A. Sure.  
 9 Q. Great. Okay. Did you do  
 10 anything to prepare for today's  
 11 deposition?  
 12 A. Not particularly.  
 13 Q. Did you meet with your lawyer?  
 14 A. No.  
 15 Q. Okay. Did you review any  
 16 documents?  
 17 A. No.  
 18 Q. What is your current address?  
 19 A. 3204 High View Way, Pomona, New  
 20 York 10970.  
 21 Q. And do you own that?  
 22 A. No.  
 23 Q. You're renting?  
 24 A. Yes.  
 25 Q. Do you own a house in Pomona?

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1 DANIEL MACKLE  
 2 A. Yes.  
 3 Q. What's that house?  
 4 A. 23 Carteret Drive, Pomona, New  
 5 York 10970.  
 6 Q. Is that right across the street  
 7 from Dan Louis?  
 8 A. Yes.  
 9 Q. Okay. He still owns that house  
 10 across the street?  
 11 A. As far as I know.  
 12 Q. Do you own any other houses?  
 13 A. Yes.  
 14 Q. Where?  
 15 A. Hicksville, Long Island.  
 16 Q. What's the address?  
 17 A. 62 East End Avenue.  
 18 Q. Do you have any other real  
 19 estate?  
 20 A. No.  
 21 Q. Do you have an interest in any  
 22 other real estate?  
 23 A. No.  
 24 Q. Have you ever purchased any real  
 25 estate in Hoboken, New Jersey?

Page 12

1 DANIEL MACKLE  
 2 A. No.  
 3 Q. What's your phone number?  
 4 A. (201) 240-4754.  
 5 Q. Is that a cell phone?  
 6 A. Yes.  
 7 Q. Who's the carrier?  
 8 A. Verizon.  
 9 Q. How long have you had that  
 10 number?  
 11 A. Ten years, maybe longer.  
 12 Q. Has Verizon always been the  
 13 carrier?  
 14 A. No.  
 15 Q. You've had different carriers?  
 16 A. Yes.  
 17 Q. What other carriers have you  
 18 had?  
 19 A. I don't recall. I've had  
 20 Verizon for quite a while.  
 21 Q. How long?  
 22 A. A few years.  
 23 Q. What's your Social Security  
 24 number?  
 25 A. REDACTED



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Page 15

1 DANIEL MACKLE  
 2 Q. And do you have an e-mail  
 3 address?  
 4 A. Dmackle@aol.  
 5 Q. How long have you had  
 6 dmackle@aol.com?  
 7 A. Probably 15 years.  
 8 Q. Still have access to the e-mails  
 9 on that account?  
 10 A. I think they keep them for 60  
 11 days or something.  
 12 Q. Did you receive e-mails from  
 13 Morgan Funding or related to Morgan  
 14 Funding at that account?  
 15 A. Probably not.  
 16 Q. Why?  
 17 MR. GELBER: I object to the  
 18 question. You're asking him why other  
 19 people chose not to send e-mails to  
 20 him at a particular -- you're asking  
 21 him to opine to what's in the mind of  
 22 somebody who would send an e-mail. I  
 23 mean --  
 24 MR. LANGE LAND: Okay.  
 25 Q. Do you understand my question?

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1 DANIEL MACKLE  
 2 A. I don't know. I don't know why  
 3 they didn't. I guess they didn't have  
 4 that e-mail address.  
 5 Q. Okay. Do you have another  
 6 e-mail address?  
 7 MR. GELBER: Don't guess, by the  
 8 way, don't guess about anything.  
 9 A. Yes.  
 10 Q. What was your other e-mail  
 11 address?  
 12 A. Dmackle@morganfundingcorp.com.  
 13 Q. And that's where you primarily  
 14 received e-mails relating to Morgan  
 15 Funding?  
 16 A. Yes.  
 17 Q. Okay. How long did you have  
 18 that e-mail address?  
 19 A. Probably eight or nine years.  
 20 Q. Do you still have it?  
 21 A. Yes.  
 22 Q. Do you have any other e-mail  
 23 addresses?  
 24 A. Dmackle@pendulummarkets.com.  
 25 Q. Do you have any other e-mail

1 DANIEL MACKLE  
 2 address?  
 3 A. No.  
 4 Q. Is dmackle@pendulummarkets.com  
 5 still active?  
 6 A. Yes.  
 7 Q. How long have you had that  
 8 e-mail address?  
 9 A. Probably two or three years.  
 10 Q. Do you have a service that keeps  
 11 your e-mails or provides your e-mails to  
 12 you?  
 13 MR. GELBER: I don't understand  
 14 the question.  
 15 MR. LANGE LAND: Let me see if I  
 16 can rephrase it. That was a bad  
 17 question. I'll withdraw that question  
 18 and I'll see if I can rephrase it.  
 19 Q. Do you have like an exchange  
 20 server?  
 21 A. I don't think so, no. I don't  
 22 know a lot about that, though.  
 23 Q. Okay. Do you know if your  
 24 e-mails are directly on your computer or  
 25 are they at some off site location?

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1 DANIEL MACKLE  
 2 A. I think it depends on the e-mail  
 3 address.  
 4 Q. Okay. And for Morgan Funding,  
 5 was it an off site location?  
 6 A. No.  
 7 Q. It was on the computer?  
 8 A. Correct.  
 9 Q. And for  
 10 dmackle@pendulummarkets.com, was that an  
 11 off site location?  
 12 A. I believe those are all  
 13 captured, yes.  
 14 Q. Okay. And for dmackle@aol.com?  
 15 A. I don't know how AOL does. I  
 16 don't think they keep it off site.  
 17 MR. GELBER: Don't guess.  
 18 A. I don't know.  
 19 Q. Okay. You don't know. All  
 20 right. How do you know that the e-mails  
 21 were stored on the computer at Morgan  
 22 Funding?  
 23 A. They just were. They were  
 24 downloaded onto the computer.  
 25 Q. Okay. By that do you mean that

Page 17

1 DANIEL MACKLE  
 2 they were downloaded on your individual  
 3 computer or were they on a server?  
 4 A. I'm not sure.  
 5 Q. You had a server there, though,  
 6 right?  
 7 A. I don't know. I don't know if  
 8 we had an e-mail server.  
 9 Q. Did you have a computer room?  
 10 A. Yes.  
 11 Q. And did you have a computer  
 12 network at Morgan Funding?  
 13 A. Yes.  
 14 Q. Okay. Could you access, you  
 15 know, try to centralize documents or  
 16 common documents through your office  
 17 computer?  
 18 A. Like what kind of documents?  
 19 Q. Were there documents that were  
 20 kind of for everybody's use or maybe for  
 21 the executives' use at Morgan Funding?  
 22 A. No.  
 23 Q. No documents that you guys would  
 24 fill out?  
 25 A. We had a point data server which

Page 18

1 DANIEL MACKLE  
 2 I guess all the -- anyone could access it,  
 3 or the processors anyway.  
 4 Q. What's a point data server?  
 5 A. It's the server, it's the loan  
 6 origination software at that point.  
 7 Q. Calyx Point?  
 8 A. Calyx Point.  
 9 Q. Okay. So you had that and you  
 10 could access data on Calyx Point?  
 11 A. I couldn't. I never -- I didn't  
 12 have it on my computer.  
 13 Q. What is -- where do you work  
 14 right now?  
 15 A. Pendulum Capital.  
 16 Q. And where is that located?  
 17 A. 411 Hackensack Avenue,  
 18 Hackensack, New Jersey 07601.  
 19 Q. And is there a room number or  
 20 floor number?  
 21 A. Fifth floor.  
 22 Q. Fifth floor. Do you have the  
 23 whole fifth floor?  
 24 A. No.  
 25 Q. You have an office on the fifth

Page 19

1 DANIEL MACKLE  
 2 floor?  
 3 A. Yes.  
 4 Q. Okay. And Mr. Cardia testified  
 5 that he also had an office at 411  
 6 Hackensack Avenue. Was that in your  
 7 office?  
 8 A. No.  
 9 Q. Was it next to your office?  
 10 A. Yes.  
 11 Q. Okay. And how did you  
 12 distinguish, was one a particular suite  
 13 number or it just says, yours says  
 14 Pendulum Capital and theirs says something  
 15 else?  
 16 A. Yeah, there's no suite numbers.  
 17 Q. Okay. Is there a sign on your  
 18 door?  
 19 A. Yes.  
 20 Q. And what does it say?  
 21 A. Pendulum Capital Markets.  
 22 Q. And does it say anything else?  
 23 A. Yes, member -- I'm not 100  
 24 percent sure -- member of FINRA, whatever,  
 25 something like that.

Page 20

1 DANIEL MACKLE  
 2 Q. Okay. Are there any other  
 3 business names on the door that you --  
 4 A. It probably says Securities  
 5 Institute Through Garden State Securities.  
 6 Q. Anything else?  
 7 A. No.  
 8 Q. Okay. And what did the office  
 9 say that Cardia was in; do you know what  
 10 the sign says?  
 11 A. I don't remember.  
 12 Q. Was it National Future Mortgage?  
 13 A. It's possible. I'm not sure.  
 14 Q. You don't know what they were  
 15 doing?  
 16 MR. GELBER: What who was doing?  
 17 When you say they?  
 18 MR. Langeland: Okay. Let me  
 19 rephrase it.  
 20 Q. Do you know what Cardia was  
 21 doing?  
 22 MR. GELBER: When?  
 23 Q. When he worked at the 411  
 24 Hackensack address.  
 25 A. I assume he was doing well.

Page 21

Page 23

1 DANIEL MACKLE  
 2 MR. GELBER: Don't guess.  
 3 A. I don't know. I guess  
 4 mortgages.  
 5 MR. GELBER: Don't guess.  
 6 THE WITNESS: Okay.  
 7 Q. You never talked to him about  
 8 what he was doing?  
 9 A. It was just known that he was  
 10 doing mortgages. It wasn't -- he didn't  
 11 need to clarify it to me.  
 12 Q. Okay. Do you know who he worked  
 13 for?  
 14 A. Probably National Future.  
 15 Q. Was he working for you at that  
 16 time?  
 17 A. No.  
 18 Q. Not at all?  
 19 A. No.  
 20 Q. Was he working for any company  
 21 that was owned in part or in full by you?  
 22 A. No.  
 23 Q. Have you ever been arrested?  
 24 A. No.  
 25 Q. Have you ever -- we've already

Page 22

1 DANIEL MACKLE  
 2 covered this. Other than those TALA  
 3 lawsuits, have you been sued?  
 4 A. No.  
 5 MR. GELBER: Hold on. This  
 6 is -- you're in a divorce.  
 7 THE WITNESS: I sued her.  
 8 MR. GELBER: Oh, okay. Sorry.  
 9 All right.  
 10 THE WITNESS: That's why I  
 11 hesitated for a second.  
 12 MR. GELBER: Sorry about that.  
 13 We just didn't want to have an  
 14 incorrect record.  
 15 Q. So other than the TALA case and  
 16 the divorce where you sued, you're not  
 17 being sued, are you involved in any other  
 18 legal proceedings?  
 19 A. Not other than this one. Those  
 20 and this one.  
 21 Q. Okay. Have you been contacted  
 22 by any law enforcement regarding Morgan  
 23 Funding?  
 24 A. No.  
 25 Q. Have you spoken to any former

1 DANIEL MACKLE  
 2 Morgan Funding employees about this case?  
 3 A. No.  
 4 Q. Not at all?  
 5 A. No.  
 6 Q. You haven't had any  
 7 conversations with Cardia or Louis or --  
 8 MR. GELBER: Can you clarify  
 9 when you say about this case?  
 10 MR. LANGELAND: About this case  
 11 in any way.  
 12 A. Well, I spoke -- yeah, I spoke  
 13 to Dan Louis and Frank Cardia about it.  
 14 Q. Okay. First of all, with Dan  
 15 Louis, when was that conversation?  
 16 A. I don't know offhand.  
 17 Q. Okay. How many conversations  
 18 have you had with him about the case?  
 19 A. Maybe two.  
 20 Q. Okay. And what was said in each  
 21 of the conversations?  
 22 MR. GELBER: First of all,  
 23 they're both defendants and so you're  
 24 impinging on joint defense privileges.  
 25 MR. LANGELAND: Okay. Let me

Page 24

1 DANIEL MACKLE  
 2 ask --  
 3 MR. GELBER: So I have a problem  
 4 with you asking him about the content  
 5 of conversations with any named  
 6 defendant, specifically Dan Louis and  
 7 Frank Cardia.  
 8 Q. Well, was any lawyer present  
 9 during your conversation?  
 10 A. No.  
 11 MR. LANGELAND: I don't think  
 12 you have anything there.  
 13 MR. GELBER: I don't know if I  
 14 do or I don't. I think I do. I think  
 15 two defendants in a case probably have  
 16 an extrication. Pursue it. I'm not  
 17 instructing him.  
 18 MR. LANGELAND: You're not  
 19 instructing him.  
 20 MR. GELBER: I'm not instructing  
 21 him.  
 22 Q. What did you say to Mr. Louis  
 23 and what did Mr. Louis say to you?  
 24 A. Well, I just told him I was  
 25 coming in for a deposition.



Page 25

1 DANIEL MACKLE  
 2 Q. When was that?  
 3 A. Again, I'm not sure.  
 4 Q. That was a recent conversation,  
 5 though?  
 6 A. Yeah.  
 7 Q. Okay. And what about the first  
 8 conversation?  
 9 A. I don't remember specific  
 10 conversations.  
 11 Q. Okay. But you testified that  
 12 you had maybe two conversations with him?  
 13 A. Uh-huh.  
 14 Q. Okay. And you don't remember  
 15 what the other conversation was?  
 16 A. No.  
 17 Q. Okay. And what about Frank  
 18 Cardia?  
 19 A. The same. I just told him I was  
 20 coming in for a deposition.  
 21 Q. Okay. Did you speak with Craig  
 22 Colletta about this case?  
 23 A. Yes.  
 24 Q. Okay. What did you say?  
 25 A. Same, I told him I was coming in

Page 26

1 DANIEL MACKLE  
 2 for a deposition.  
 3 Q. Okay. Nothing else?  
 4 A. No.  
 5 Q. Okay. When you -- when did you  
 6 first learn about this case?  
 7 A. It's been a couple of years at  
 8 least.  
 9 Q. Okay. And you didn't have any  
 10 conversations at that time with any of  
 11 the -- any former employees of Morgan  
 12 Funding?  
 13 A. I don't recall.  
 14 Q. When did you leave Morgan  
 15 Funding?  
 16 A. The end of 2007.  
 17 Q. Okay. Do you remember the date?  
 18 A. No.  
 19 Q. And when did you start Morgan  
 20 Funding?  
 21 A. Somewhere around 2000.  
 22 Q. Why did you leave?  
 23 A. The company went out of  
 24 business.  
 25 Q. Okay. So you shut down the

Page 27

1 DANIEL MACKLE  
 2 company?  
 3 A. No. The corporation is still --  
 4 is not shut down.  
 5 Q. The corporation still exists.  
 6 Okay. But you ceased operating; is  
 7 that --  
 8 A. Correct.  
 9 Q. Okay. And who made that  
 10 decision?  
 11 A. I did.  
 12 Q. Why?  
 13 A. I couldn't pay the bills  
 14 anymore.  
 15 Q. Okay. And did you send out a  
 16 notice to people that were working for  
 17 Morgan Funding at that time?  
 18 A. No.  
 19 Q. How did you let them know?  
 20 A. I just told them.  
 21 Q. You had a meeting?  
 22 A. I don't think I had a meeting  
 23 with the employees. I just told them, you  
 24 know, probably Dan and Frank.  
 25 Q. What about Craig Colletta, did

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1 DANIEL MACKLE  
 2 you tell him?  
 3 A. At some point.  
 4 Q. Do you know when?  
 5 A. No.  
 6 Q. Where did you go to high school?  
 7 A. Queens.  
 8 Q. What was the high school name?  
 9 A. St. Francis Prep.  
 10 Q. Did you go to college?  
 11 A. Yes.  
 12 Q. Where?  
 13 A. Manhattanville College.  
 14 Q. Okay. Did you graduate?  
 15 A. Yes.  
 16 Q. When?  
 17 A. '91.  
 18 Q. Okay. What was your degree in?  
 19 A. Business administration.  
 20 Q. Have you done any graduate  
 21 school?  
 22 A. No.  
 23 Q. Have you passed any professional  
 24 examinations?  
 25 A. Yes.

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1 DANIEL MACKLE  
 2 Q. Okay.  
 3 Which ones?  
 4 A. Series 7, 63, 4, 24, 55, 65.  
 5 Q. These all relate to the  
 6 financial industry?  
 7 A. Correct. I also graduated from  
 8 the Mortgage Bankers Association School of  
 9 Mortgage Banking.  
 10 Q. Where is that?  
 11 A. Washington, D.C.  
 12 Q. Washington, D.C.?  
 13 A. Yes.  
 14 Q. Thank you.  
 15 A. It's not an curriculum like a  
 16 college that you go to, but you take  
 17 classes and what not.  
 18 Q. Do you get a degree or anything  
 19 when you graduate?  
 20 A. They gave me a little  
 21 certificate.  
 22 Q. Okay. What does it say?  
 23 A. Accredited mortgage  
 24 professional.  
 25 Q. Okay. All right. And when did

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1 DANIEL MACKLE  
 2 you graduate from there?  
 3 A. Probably three or four years  
 4 ago.  
 5 Q. Not before you started at Morgan  
 6 Funding?  
 7 A. No.  
 8 Q. Okay. Do you have any licenses,  
 9 professional licenses?  
 10 A. Those would probably be the  
 11 numbers I gave you would be licenses.  
 12 Q. Anything else?  
 13 A. No.  
 14 Q. Do you have any licenses for --  
 15 as a mortgage solicitor?  
 16 A. I did. I don't anymore.  
 17 Q. Okay. You gave it up?  
 18 A. Yeah.  
 19 Q. Did you resign or did they take  
 20 some action against you?  
 21 A. No. I turned it in.  
 22 Q. Okay. When was that?  
 23 A. Sometime around the time that I  
 24 closed the company or I stopped doing  
 25 business.

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1 DANIEL MACKLE  
 2 Q. Okay. And that was just for New  
 3 Jersey, is that correct, or were there  
 4 other mortgage solicitor licenses that you  
 5 had from other states?  
 6 A. Other states had it also.  
 7 Q. Do you remember what states you  
 8 were licensed in?  
 9 A. Florida, New York, Connecticut,  
 10 Massachusetts, Pennsylvania, Nevada,  
 11 California. I believe that's all the  
 12 states.  
 13 Q. Okay. Did Morgan Funding have  
 14 offices in any of these states?  
 15 A. We had an office in  
 16 Pennsylvania, Nevada, New York. I believe  
 17 that was it.  
 18 MR. GELBER: New Jersey.  
 19 A. Oh, New Jersey.  
 20 MR. GELBER: Sorry about that,  
 21 but sometimes you omit the obvious. I  
 22 just wanted to.  
 23 MR. LANGE LAND: Right, right.  
 24 Okay, good.  
 25 Q. Did you have one in Florida?

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1 DANIEL MACKLE  
 2 A. For a small point in time we  
 3 did, that's right.  
 4 Q. Nothing in Connecticut?  
 5 A. No.  
 6 Q. Or Massachusetts?  
 7 A. No.  
 8 Q. And nothing in California?  
 9 A. No.  
 10 Q. Okay. Did you take any classes  
 11 in law?  
 12 A. No.  
 13 Q. Okay. Where did you work before  
 14 you worked at Morgan Funding?  
 15 A. Barron Chase Securities.  
 16 Q. Okay. Where was your office?  
 17 A. 777 Terrace Avenue, Hasbrouck  
 18 Heights, New Jersey.  
 19 Q. What were your dates of  
 20 employment there?  
 21 A. Roughly '97 to 2000.  
 22 Q. Why did you leave?  
 23 A. The company went out of  
 24 business.  
 25 Q. Did you have a branch?

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1 DANIEL MACKLE  
 2 A. Yes.  
 3 Q. Okay. And did the branch go out  
 4 of business or Barron Chase went out of  
 5 business altogether?  
 6 A. Barron Chase went out of  
 7 business altogether.  
 8 Q. Okay. So you, in essence, had  
 9 to close your branch?  
 10 A. Correct.  
 11 Q. Thank you. And then you started  
 12 Morgan Funding; is that right?  
 13 A. We probably had started it  
 14 already.  
 15 Q. You had already started it.  
 16 Okay. And did you also start Pendulum  
 17 Capital Markets or was that already  
 18 started?  
 19 A. No, I started that after Barron  
 20 Chase went out of business.  
 21 Q. Okay. When did Morgan Funding  
 22 start, to the best of your knowledge?  
 23 A. Somewhere around 2000.  
 24 Q. Okay.  
 25 MR. GELBER: Asked and answered,

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1 DANIEL MACKLE  
 2 by the way.  
 3 Q. And how did Morgan Funding  
 4 start?  
 5 A. I don't understand the question.  
 6 Q. Did you found it?  
 7 A. Yes.  
 8 Q. And you incorporated it?  
 9 A. Yes.  
 10 Q. How did it come to be decided,  
 11 okay, I'm going to start a mortgage  
 12 company?  
 13 A. I saw an ad in Entrepreneur  
 14 magazine for the loan consultants and I  
 15 called them and they did training and  
 16 everything. Walked us through the ropes.  
 17 Q. Okay. So you learned how to  
 18 become a loan officer?  
 19 A. Correct, and how to open a  
 20 company.  
 21 Q. Okay. And where did you  
 22 incorporate Morgan Funding?  
 23 A. I believe New Jersey.  
 24 Q. What was the incorporation? I  
 25 mean, what kind of corporation is it; is

1 DANIEL MACKLE  
 2 it an S corporation?  
 3 A. Yeah, S Corp.  
 4 Q. S Corp. And who are the  
 5 shareholders?  
 6 A. Myself, Craig Colletta, Deborah  
 7 Louis and Sharon Cardia.  
 8 Q. And are you equal shareholders?  
 9 A. Yes.  
 10 Q. Okay. How did it come that you  
 11 decided to partner with these four people?  
 12 A. I don't recall.  
 13 Q. You had known them for a while?  
 14 A. Yes.  
 15 Q. I'm sorry. What is Mrs. Louis'  
 16 name?  
 17 A. Deborah.  
 18 Q. Deborah. Now, Frank Cardia and  
 19 Dan Louis used to work for you at Barron  
 20 Chase; is that right?  
 21 A. Correct.  
 22 Q. Okay. And they were the subject  
 23 of some kind of a disciplinary action?  
 24 A. Yes.  
 25 Q. What was that, to the best of

1 DANIEL MACKLE  
 2 your knowledge?  
 3 A. They had some issue with some  
 4 kind of opening accounts in states they  
 5 weren't licensed in or something along  
 6 those lines.  
 7 Q. Okay. And were they then barred  
 8 from being --  
 9 A. I believe --  
 10 Q. A stockbroker?  
 11 A. I believe so, yes.  
 12 Q. Okay. Do you know if they had  
 13 fines levied against them?  
 14 A. I don't know.  
 15 Q. Well, as the branch owner,  
 16 wouldn't you have learned what the  
 17 allegations against them and the outcome  
 18 was?  
 19 A. No, because they were already  
 20 gone from the firm by the time the outcome  
 21 happened.  
 22 Q. I see. Did you fire them?  
 23 A. No.  
 24 Q. Did the firm close?  
 25 A. I don't really recall the



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1 DANIEL MACKLE  
 2 timeline.  
 3 Q. Okay. So you don't know if they  
 4 quit or you fired them or if the firm just  
 5 closed?  
 6 A. I'm not sure.  
 7 Q. Okay. By the way, you're a  
 8 member of MENSA, are you?  
 9 A. No.  
 10 Q. You're not a member of MENSA.  
 11 A. Thank you for the compliment  
 12 though.  
 13 MR. GELBER: I was going to fall  
 14 off my chair.  
 15 THE WITNESS: Such a stretch?  
 16 MR. GELBER: No. All my clients  
 17 are members of MENSA.  
 18 MR. LANGELAND: Are you? No.  
 19 MR. GELBER: I'm not going to  
 20 discuss it.  
 21 MR. LANGELAND: Okay. Fair  
 22 enough.  
 23 Q. How did you agree to form the  
 24 company with the four people that you  
 25 agreed?

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1 DANIEL MACKLE  
 2 A. I don't know.  
 3 Q. I'm just wondering. How did it  
 4 come about that you chose them as -- let  
 5 me back up.  
 6 MR. GELBER: Yes, the question  
 7 was --  
 8 Q. Was it your idea to start the  
 9 mortgage company?  
 10 A. Yes.  
 11 Q. Okay. And then how did you pick  
 12 these other folks to join you?  
 13 MR. GELBER: Wait, hold on. I'm  
 14 going to object to the phrase, join  
 15 you. By other folks I assume you're  
 16 referring to the investors, right? Or  
 17 are you referring to the people who  
 18 were going to work with him? It's a  
 19 little ambiguous there.  
 20 MR. LANGELAND: You're right.  
 21 MR. GELBER: Or a lot ambiguous.  
 22 Q. You have equal shareholders with  
 23 you in the S corp. for Morgan Funding,  
 24 right?  
 25 A. Correct.

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1 DANIEL MACKLE  
 2 Q. And at some point you had  
 3 decided to incorporate and you decided who  
 4 the shareholders would be?  
 5 A. Yes.  
 6 Q. Okay. How would you decide that  
 7 you would work it out this way?  
 8 A. You know, I'm not sure. It was  
 9 a while ago.  
 10 Q. Did you have a meeting or  
 11 something, you sat around, went out for  
 12 dinner or something?  
 13 A. I don't recall.  
 14 Q. Why did you pick Deborah Louis  
 15 to be a shareholder instead of Dan Louis?  
 16 MR. GELBER: I'm going to object  
 17 to the question because it assumes a  
 18 fact not in evidence, when you say  
 19 pick. I have a problem with that.  
 20 Q. Can you answer the question?  
 21 MR. GELBER: A bunch of people  
 22 lined up and I choose you, you and  
 23 you?  
 24 A. I don't know if there is an  
 25 answer to this. It's just the way it was.

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1 DANIEL MACKLE  
 2 Q. It's just how it worked out?  
 3 Okay? But you were the one who -- were  
 4 you the one who actually went and got the  
 5 incorporation documents done?  
 6 A. Yes.  
 7 Q. Did you see a lawyer?  
 8 A. No. I think I did it online.  
 9 Q. Okay.  
 10 A. Cheaper.  
 11 Q. Do you have a vote or anything?  
 12 A. No.  
 13 Q. I mean corporate interests. No?  
 14 A. No.  
 15 Q. Was there an investment into the  
 16 business?  
 17 A. Yes.  
 18 Q. How much was the investment?  
 19 A. It had to be somewhere in the  
 20 ballpark of \$50,000.  
 21 Q. So each of the investors, I mean  
 22 each of the shareholders invested \$50,000?  
 23 A. No. It was \$50,000 total.  
 24 Q. Okay. And each investor or each  
 25 put in equal share?



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1 DANIEL MACKLE  
 2 A. I don't think so, no.  
 3 Q. Who put in what?  
 4 A. To the best of my recollection,  
 5 Craig and I put the \$50,000 and Deborah  
 6 and Sharon came on as owners later on,  
 7 after the company was established.  
 8 Q. I see. So when you originally  
 9 incorporated, was it just you and Craig  
 10 Colletta; is that who were the  
 11 shareholders?  
 12 A. I think so.  
 13 Q. Okay. Do you have documents,  
 14 for example, minutes of your meetings or  
 15 anything like that when you incorporated?  
 16 A. I could look. I'm not sure.  
 17 Q. And what about, do you have --  
 18 did you receive stock certificates and did  
 19 you issue stock certificates?  
 20 A. Probably not.  
 21 Q. Okay. And how did anybody know  
 22 how much they were entitled to?  
 23 A. I mean, they were on the tax  
 24 returns as owners.  
 25 Q. Okay. And did it specify that

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1 DANIEL MACKLE  
 2 they were equal owners?  
 3 A. I'm not sure. I don't know how  
 4 the tax returns are.  
 5 Q. Was there any document among you  
 6 that specified who, you know, who were the  
 7 owners or this is what our deal is?  
 8 A. I don't think we ever done  
 9 anything.  
 10 Q. You never wrote up some formal  
 11 document?  
 12 A. I don't believe so.  
 13 Q. Did you used to keep a meeting  
 14 minutes for the corporation or, you know,  
 15 the corporate documents?  
 16 A. I believe we have yearly  
 17 meetings minutes.  
 18 MR. LANGE LAND: I'll mark the  
 19 record and call for the production of  
 20 those documents.  
 21 MR. GELBER: We'll take it under  
 22 advisement. I think it's irrelevant,  
 23 but --  
 24 Q. While you were at Morgan  
 25 Funding, were you always the -- strike

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1 DANIEL MACKLE  
 2 that. Let me go backwards.  
 3 What was your title at Morgan  
 4 Funding?  
 5 A. CEO and president.  
 6 Q. And did you hold any other  
 7 titles while you were there?  
 8 A. I may have signed off on  
 9 secretary. I'm not sure. Maybe chairman,  
 10 too.  
 11 Q. Okay.  
 12 MR. GELBER: Grand poobah.  
 13 THE WITNESS: That's why I'm  
 14 sitting here now.  
 15 Q. Were you the -- you were the top  
 16 executive at Morgan Funding?  
 17 A. Yes.  
 18 Q. Okay. And who reported to you?  
 19 A. Really the managers.  
 20 Q. Who were the managers?  
 21 A. Dan and Frank ran the -- Dan  
 22 Louis and Frank Cardia ran the Jersey City  
 23 office. We had Doug Geist and Gary Unger  
 24 ran the New Brunswick office.  
 25 Q. Okay.

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1 DANIEL MACKLE  
 2 A. We had a few different managers  
 3 in New York. But predominantly Mike  
 4 Verdicchio managed there.  
 5 Q. Okay.  
 6 A. I'm trying to think of names.  
 7 Robert Andino ran, actually, the Las Vegas  
 8 office.  
 9 Q. How many loan officers were in  
 10 Robert Andino's office?  
 11 A. I'm not sure. I don't -- it was  
 12 pretty short lived. I don't think he had  
 13 too many.  
 14 Q. Okay. Were there other  
 15 managers?  
 16 A. Yeah. The names escape me. I  
 17 think there was a few others.  
 18 Q. Where did Craig Colletta fit in?  
 19 A. He was a passive investor.  
 20 Q. Did he have a role in the  
 21 company?  
 22 A. Not really.  
 23 Q. Did he have a title with the  
 24 company?  
 25 A. I don't think so.

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1 DANIEL MACKLE  
 2 Q. Did he have a Morgan Funding  
 3 e-mail address?  
 4 A. I'm not sure.  
 5 Q. Did he have any mailbox at  
 6 Morgan Funding?  
 7 A. What do you mean by mailbox?  
 8 MR. GELBER: Yes.  
 9 Q. Like, was there any place that  
 10 he received mail at Morgan Funding?  
 11 A. No.  
 12 Q. Was he -- did he have an office  
 13 at Morgan Funding?  
 14 A. No.  
 15 Q. Where was the office starting in  
 16 2000, was there an office for Morgan  
 17 Funding when you founded it?  
 18 A. Yeah.  
 19 Q. Where was it?  
 20 A. 26 Journal Square.  
 21 Q. So once you incorporated it, you  
 22 got the office space?  
 23 A. I don't know if it was right  
 24 away.  
 25 Q. Okay. At some point after you

1 DANIEL MACKLE  
 2 A. He was a broker, I suppose.  
 3 Q. Okay. Did he have any ownership  
 4 interest in the branch that you had?  
 5 A. Yes.  
 6 Q. What was the ownership interest?  
 7 A. 50/50.  
 8 Q. Okay. When you moved over to  
 9 the Journal Square office, did Colletta  
 10 also move over?  
 11 A. No. He had actually left Barron  
 12 Chase already. He had started up another  
 13 company.  
 14 Q. What company was that?  
 15 A. I can't remember the name of it.  
 16 It was, like, an Internet company.  
 17 Q. Okay. And you don't remember  
 18 the date that you got an office at 26  
 19 Journal Square. Do you remember where it  
 20 was?  
 21 MR. GELBER: Where 26 Journal  
 22 Square was?  
 23 MR. LANGE LAND: Where his office  
 24 was in 26 Journal Square.  
 25 MR. GELBER: You mean on what

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1 DANIEL MACKLE  
 2 incorporated, you got the office space?  
 3 A. I don't know if it was right  
 4 away.  
 5 Q. Okay. At some point after you  
 6 incorporated. Okay. And where was the  
 7 office?  
 8 A. 26 Journal Square.  
 9 Q. On the second floor?  
 10 A. Correct.  
 11 Q. Okay. And you had an office,  
 12 too, there?  
 13 A. I did not, no.  
 14 Q. Where was your office?  
 15 A. I was still in Hasbrouck Heights  
 16 at 777 Terrace Avenue.  
 17 Q. Okay. And at some point you  
 18 came over to Journal Square?  
 19 A. Correct.  
 20 Q. Okay. When was that?  
 21 A. I'm not sure.  
 22 Q. Okay. By the way, did Craig  
 23 Colletta work with you at Barron Chase?  
 24 A. Yes.  
 25 Q. And what was his position there?

1 DANIEL MACKLE  
 2 floor?  
 3 MR. LANGE LAND: Yeah.  
 4 A. It was on the second floor.  
 5 MR. GELBER: I'm sorry.  
 6 Q. Was it in the same space that  
 7 Morgan Funding had?  
 8 A. No.  
 9 Q. It was next to it?  
 10 A. Yes.  
 11 Q. Okay. And did you have a sign  
 12 on the wall where your office was?  
 13 A. Well, I had a J.P. Turner  
 14 office. When Barron Chase went out of  
 15 business, we went over to J.P. Turner,  
 16 another brokerage firm.  
 17 Q. Okay. So, and was this a branch  
 18 office?  
 19 A. Yes.  
 20 Q. And was it your own branch?  
 21 A. Yes.  
 22 Q. And was it your own branch?  
 23 A. Myself and Craig.  
 24 Q. Was if 50/50 ownership, too?  
 25 A. Yes.

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1 DANIEL MACKLE  
 2 Q. Okay. So what you did was you  
 3 opened an office at the 26 Journal Square  
 4 location and that was a J.P. Turner  
 5 office?  
 6 A. Correct.  
 7 Q. Okay. And was it also a Morgan  
 8 Funding office, in other words, I guess  
 9 you conducted business for Morgan Funding  
 10 there?  
 11 A. No. There was two separate  
 12 offices.  
 13 Q. Okay. While you -- oh, okay.  
 14 While you were at the 26 Journal Square  
 15 location on the second floor, how long was  
 16 your office there?  
 17 A. I'm not sure. A couple of  
 18 years.  
 19 Q. A couple of years. And then did  
 20 Morgan Funding get bigger space?  
 21 A. Yes.  
 22 Q. Okay. And it was still in the  
 23 26 Journal Square office?  
 24 A. Yes.  
 25 Q. Okay. And what floor was it on?

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1 DANIEL MACKLE  
 2 A. Ninth.  
 3 Q. Okay. By the way, how big was  
 4 the second floor office of Morgan Funding?  
 5 A. 2,500 square feet maybe,  
 6 roughly.  
 7 Q. And you had desks in there for  
 8 the loan officers?  
 9 A. Yes.  
 10 Q. How many desks?  
 11 A. I'm not sure.  
 12 Q. Was it more than 10?  
 13 A. Probably right around there.  
 14 Q. How many loan officers worked on  
 15 that second floor?  
 16 A. I'm not sure.  
 17 Q. Do you have a sense of whether,  
 18 you know, it was more than 10 loan  
 19 officers at any one time?  
 20 A. I'm not sure.  
 21 Q. Did you go into the second floor  
 22 office for Morgan Funding while you were  
 23 the CEO?  
 24 A. Yes.  
 25 Q. How often?

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1 DANIEL MACKLE  
 2 A. Probably every day.  
 3 Q. Okay. And do you remember  
 4 seeing loan officers in there?  
 5 A. Do I remember seeing them? I  
 6 don't specifically remember seeing anyone,  
 7 no. I'm sure they were there, though.  
 8 Q. Okay. Did each of the loan  
 9 officers get a phone?  
 10 A. Yes.  
 11 Q. Okay. And how many phones were  
 12 in that office?  
 13 A. I'm not sure.  
 14 Q. By the way, you have a phone  
 15 company, don't you?  
 16 A. No.  
 17 Q. Did you ever have an interest in  
 18 a phone company?  
 19 A. No.  
 20 MR. GELBER: Hold on. You mean  
 21 like investing in AT&T?  
 22 MR. LANGE LAND: Yeah, right.  
 23 Q. Not an investment in AT&T or  
 24 something like that, but if you have an  
 25 ownership in some kind of a company that

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1 DANIEL MACKLE  
 2 provided phone service.  
 3 A. No.  
 4 Q. Nothing at all?  
 5 A. No.  
 6 Q. What company provided the phone  
 7 service for Morgan Funding?  
 8 A. Off the top of my head, I don't  
 9 remember.  
 10 Q. Would that be reflected in  
 11 records somewhere?  
 12 A. Yes.  
 13 Q. Did you pay the bills for Morgan  
 14 Funding?  
 15 A. Yes.  
 16 Q. You signed the checks?  
 17 A. Yes.  
 18 Q. You remember signing checks for  
 19 the phone company for phone service?  
 20 A. I don't remember it, but I'm  
 21 sure I did.  
 22 Q. Okay. But you don't remember  
 23 who it was?  
 24 A. We probably had a couple of  
 25 different vendors over the years. We



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1 DANIEL MACKLE  
 2 switch every now and again.  
 3 Q. Your checkbook should reflect  
 4 which company it was?  
 5 A. Yes.  
 6 MR. LANGE LAND: We'd like to  
 7 call for the production of those.  
 8 Okay?  
 9 MR. GELBER: Of what?  
 10 MR. LANGE LAND: Of the checks  
 11 that were paid to phone companies.  
 12 MR. GELBER: Take it under  
 13 advisement. I don't know. Do you  
 14 have that?  
 15 THE WITNESS: I have no idea.  
 16 MR. GELBER: Were banks still  
 17 returning checks back then? It  
 18 doesn't matter. We'll take it under  
 19 advisement.  
 20 Q. When did you move up to the  
 21 ninth floor?  
 22 A. I'm not sure.  
 23 Q. I'm sorry. Let me strike that.  
 24 When did Morgan Funding move up  
 25 to the ninth floor?

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1 DANIEL MACKLE  
 2 A. I'm not sure.  
 3 Q. You said the second floor office  
 4 was open for a couple of years?  
 5 A. I believe so, yes.  
 6 Q. Okay. And then Morgan Funding  
 7 moved to the ninth floor, it didn't move  
 8 somewhere else, right, in between?  
 9 A. No.  
 10 Q. It just moved up to the ninth  
 11 floor?  
 12 A. Yes.  
 13 Q. Okay. So sometime in 2002 or  
 14 2003?  
 15 A. It's possible.  
 16 Q. Okay. And where did your office  
 17 move?  
 18 A. The 15th floor.  
 19 Q. Okay. So was that  
 20 simultaneously?  
 21 A. Yes.  
 22 Q. And Craig Colletta was in the --  
 23 I'm sorry. Was Craig Colletta in the  
 24 office on the second floor with you at  
 25 some point?

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1 DANIEL MACKLE  
 2 A. Yes.  
 3 Q. Did he have his own office?  
 4 A. No. We shared an office.  
 5 Q. Who else worked in that second  
 6 floor office with you?  
 7 A. Of J.P. Turner or Morgan  
 8 Funding?  
 9 Q. Anybody.  
 10 A. In the actual private office or  
 11 on the -- I don't understand.  
 12 Q. In the office, in the actual  
 13 private office.  
 14 A. Nobody.  
 15 Q. It was just you and Craig  
 16 Colletta?  
 17 A. Yes.  
 18 Q. Did you have a secretary?  
 19 A. No, I don't believe we did, no.  
 20 Q. Was it just one private office  
 21 or was there a waiting room or a reception  
 22 area?  
 23 A. No, there was no waiting room.  
 24 Q. Was there a reception area?  
 25 A. Yes. Oh, no, for the --

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1 DANIEL MACKLE  
 2 actually, no, there wasn't.  
 3 Q. Okay. And there was no  
 4 secretary or anybody there?  
 5 A. No.  
 6 Q. Was there any other executive in  
 7 the Journal Square location for Morgan  
 8 Funding during that time when the office  
 9 was on the second floor?  
 10 A. No.  
 11 Q. At that point, had you  
 12 established a computer network for Morgan  
 13 Funding?  
 14 A. I don't think so.  
 15 Q. Do you know when that was?  
 16 A. I'm not sure.  
 17 Q. Did you have an IT professional?  
 18 A. Yes.  
 19 Q. Who was it?  
 20 A. Ian Royce.  
 21 Q. And when did he become employed  
 22 by the company?  
 23 A. I'm not sure. We were on the  
 24 ninth floor already at that point.  
 25 Q. And did he have an office in the



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1 DANIEL MACKLE  
 2 ninth floor?  
 3 A. Yes.  
 4 Q. He came to work every day?  
 5 A. For the most part.  
 6 Q. When did you establish your  
 7 e-mail string, the morganfundingcorp.com  
 8 e-mail?  
 9 A. I don't know off the top of my  
 10 head.  
 11 Q. Was it early on in the  
 12 corporation?  
 13 A. I would think so, yes.  
 14 Q. Do you have any requirements  
 15 from the banking department to keep any  
 16 records as a mortgage broker?  
 17 A. Yes.  
 18 Q. And what are the requirements?  
 19 A. I'd have to refresh my memory.  
 20 Q. What's your best recollection at  
 21 this point?  
 22 A. I think three years or something  
 23 you have to keep the loan files.  
 24 Q. And did you keep them for --  
 25 A. Yes.

1 DANIEL MACKLE  
 2 None of those guys, they all came in late.  
 3 Q. Did you check every day?  
 4 A. No.  
 5 Q. What time did the managers get  
 6 to work?  
 7 MR. GELBER: Now, we're talking  
 8 about Morgan Funding?  
 9 MR. LANGE LAND: Morgan Funding  
 10 managers.  
 11 MR. GELBER: Okay.  
 12 A. By 10:00 usually.  
 13 Q. And did all of the loan officers  
 14 arrive at exactly the same time?  
 15 A. I don't know. I doubt it.  
 16 Q. Do you know whether some came  
 17 earlier and some came at different times?  
 18 A. I don't know.  
 19 Q. You have no knowledge as to when  
 20 any loan officer arrived at Morgan  
 21 Funding?  
 22 A. I don't have any knowledge as to  
 23 what time, you know, whether they came in  
 24 together, no, I don't.  
 25 Q. Okay. Was there any system

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1 DANIEL MACKLE  
 2 Q. -- the period, as best you can  
 3 remember?  
 4 A. Yes.  
 5 Q. Okay. From your office on the  
 6 second floor, could you see into Morgan  
 7 Funding's office?  
 8 A. No.  
 9 Q. What time did you arrive at your  
 10 office?  
 11 A. Typically around 8:00 a.m.  
 12 Q. Did you go straight into your  
 13 office or did you go into Morgan Funding?  
 14 A. I don't remember.  
 15 Q. I mean, was it your habit to,  
 16 you know, go in and check, have a meeting  
 17 or anything like that at Morgan Funding?  
 18 A. No.  
 19 Q. Was it more your habit just to  
 20 go to your office and start working on  
 21 whatever it was you were working on?  
 22 A. There was nobody in Morgan  
 23 Funding at eight o'clock in the morning.  
 24 Q. How do you know that?  
 25 A. Because I had been in there.

1 DANIEL MACKLE  
 2 where you locked people out of Morgan  
 3 until a particular time? In other words,  
 4 were the doors locked until 10:00 a.m. and  
 5 then opened?  
 6 A. Well, no. I think the elevators  
 7 were locked, but I'm not sure about that.  
 8 Q. Okay. Would they be locked at,  
 9 say, 8:00 a.m.?  
 10 A. Don't know.  
 11 Q. You don't know what time the  
 12 elevators were locked or unlocked at 26  
 13 Journal Square?  
 14 A. Yeah.  
 15 Q. What time did you leave your  
 16 house?  
 17 A. It varied.  
 18 Q. Okay. Was there a general time  
 19 when you would get on the road?  
 20 A. 6:00 or 7:00.  
 21 Q. Okay. And you were coming in  
 22 from Pomona every day?  
 23 A. Yes.  
 24 Q. And how long is that drive?  
 25 A. About an hour.